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September 4, 2011

Docket Control  
Arizona Corporation Commission  
1200 W Washington Street  
Phoenix, AZ 85007

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2011 SEP 20 P 3:39

AZ CORP COMMISSION  
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Re: Docket #W-03514A-07-0386 / W-03514A-08-0047  
Response to Motion to Dismiss from Counsel for Payson Water Company

Dear Commission

1. I would start with saying that I beg to differ with Companies (Payson Water Company) claim to reference Doc W-03541A-05-0729 on Page 3 Line 11 Paragraph 7 of the Companies Motion to dismiss. Response where they state and I quote, "Despite the fact the Water Supply issues have already been addressed ". If that statement was true the moratorium would have been lifted by staff? And staff would not have filed a response to Payson Water company status report dated March 6, 2009 recommending again the installation of a second 10,000 gallon storage tank?
2. Page 9 Paragraph 35, I will start by correcting who took part in this conference: Payson Water Company, Robert T Hardcastle, Patrick Black Counsel for the Company, ACC Staff, Bradley Morton, & Bridget Humphrey, Mrs. Rebecca Sigeti, Mrs. Diane Worrell, Mr. James Dunn & Steve Prahin. The Company contends that they rely on the agreement to provide ownership. A contract agreement must be fulfilled by all parties to be a binding contract. The Company contends that the ACC approved this agreement is true. In prior filings, I brought to light that under the Arizona Administrative Code R14-2-406, no parties involved did their due diligence, to ensure to enforce that the agreement was fulfilled, including but not limited to then sitting Commission & Staff before it was approved by the ACC. I was brought up to believe two wrongs do not make a right, and to learn from my mistakes.
3. Page 12 Paragraph 41 , the Company claims the 5<sup>th</sup> amendment issue should be resolved in the proper forum. It's in the proper forum, the same forum were it started! It states the ACC doesn't have jurisdiction, it seems they had jurisdiction in August 1989 when they approved an agreement that was not fulfilled.

After confirming with counsel my suspicions were correct, as the legal deeded property owner, I bear the liability for these parcels. There is no state or federal, rule, regulation and/or code that gives the said agent access or rights through regulatory action. Mr. Hardcastle stated it is common practice to operate a well on someone else's property, that does not make it right and this takes place when an agreement is fulfilled between the two parties.

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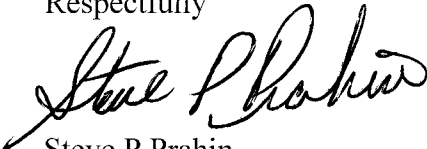
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I have to protect my interest and my liability exposure caused by actions of others. In closing I am going to state my position: There is no alleged trespass as the Company has no PUE. The trust had no authority to sign over any parcels of Elusive Acres for use by anyone. What the Company has on file is a courtesy filing with no Warranty or Deed of Title to said land in regards to P.U.E. I hold Legal ownership. Bridget Humphrey for ACC Legal Division wanted to know if I could state any law that was being violated. Please be advised under Statue 167 AM Jur.2-d Constitutional Law Section 369 : I quote

**"But whenever the operation and effect of any general regulation is to extinguish or destroy that which by law of the land is the property of any person, so far as it has that effect, it is unconstitutional and void. Thus, a law is considered as being a deprivation of property within the meaning of this constitutional guaranty if it deprives an owner of one of its essential attributes, destroys its value, restricts or interrupts its common, necessary, or profitable use, hampers the owner in the application of it to the purposes of trade, or imposes conditions upon right to hold or use it and thereby seriously impairs its value."**

Ms Humphrey might want to refer to Barber v. Connolly 113 U.S. 27,31: Yick Yo v. Hopkins 118 U.S. 356

Respectfully



Steve P Prahin

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